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ROCKLAND ZONING BOARD OF APPEALS
242 UNION STREET
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Town Clerk's Date Stamp:

TOWN CLERK, ROCKLAND
MAY 19 21 PM 3:06

FINDINGS AND DECISION OF THE BOARD OF APPEALS

Decision: Variance & or Special Permit

Applicant: Joseph Paolucci

Property Address: 406 VFW Drive, Rockland, Massachusetts 02370

The Rockland Zoning Board of Appeals has considered the application of Joseph Paolucci of 10 Patriot Parkway #508, Weymouth, MA 02190 for a variance and/or special permits pursuant to §§415-16A, 415-16C, 415-89 and 415-89.1 to allow an indoor athletic facility specializing in baseball and softball training, but also permitted space to be leased for other sports, and also 7500 s.f. of open space with batting cages at the premises known as and numbered 406 VFW Drive, Rockland, Massachusetts. The Property is located in the 1-2 Industrial Park Zoning District §415-16 of the Bylaw and is further identified as Lot 14-20-001 on the Rockland Assessor's Maps. The owner of the property is John Tassinari, Sr. / 406 VFW Drive, LLC, 415 VFW Drive, Rockland, MA 02370.

The Board certifies that it has complied with all statutory requirements relative to notice to abutters and new publication of notice of the public hearing and has filed copies of this decision and all plans referred to herein with the Town Clerk, Planning Board, and the Building Department pursuant to Mass. Gen. L. c. 40A, Section 11.

Advertised: April 19th, 2021 and April 26th, 2021 in the Patriot Ledger.

The Board lastly has taken into consideration testimony of the applicant, the application materials, plans and revised plans, and communications from various Town boards, abutters, and with interested parties.

A Public Hearing was held via remote at 7:45 P.M. on May 4, 2021.

ATTENDANCE: Board Members: Robert Rosa, Gregory Tansey, Charles Heshion, Tim Haynes, Robert Baker, Jr., Stephen Galley, Robert Baker(alt)
(All Board members were participating remotely)

Also present was Land Use Counsel Robert W. Galvin, Esq. and/or Anthony Riley, Esq. and Building Commissioner/Zoning Enforcement Officer Thomas Ruble.

MEMBERS VOTING: Chairman Robert Rosa, Gregory Tansey, Tim Haynes, Charles Heshion, Robert Baker, Jr.

DISCUSSION ON MAY 4, 2021

The Chairman of the Zoning Board read the advertised notice in the Patriot Ledger on the first Public Hearing Date of May 4, 2021. The Chairman of the Zoning Board introduced the members of the board to the public that were attending the hearing remotely and made the public as well as applicant aware on who would be voting members for this hearing.

The Applicant's presented a site plan to the members of the Board. The site plan is entitled "Site Plan" 406 VFW Dr, Rockland, Massachusetts" dated March 16, 2021 drawn by Grady Consulting LLC. of 71 Evergreen St, Suite 1, Kingston, MA 02364.

Darren Grady from Grady Consulting shared the site plan via zoom for the members of the ZBA to view as well as the public.

Darren reviewed the site plan with the members of the board.

The parking shown on plan was reviewed and discussed between the members of the board and the applicant.

Darren has testified that he does not have a lighting plan in place yet but he has requested it

The Chairman opens up the opportunity for questions from the board members to the Applicant.

Mr. Tansey asked the Applicant how many batting cages would be in the facility

The Applicant testified 6 batting cages, other areas in there for soccer, lacrosse, exercise class. The Applicant testified that there would be a max of 24 people within the batting cage area at any given time.

Darren Grady has pulled up a floor plan reviewed it with the members of the board.

Mr. Heshion asked the Applicant to elaborate on the Lounge Area shown on the floor plan.

Darren Grady stated that it is labeled Lounge Area but it is more of a conference room with hopes that later down the line they will get to a point where they can utilized this for teams to hold meetings, etc.

Mr. Robert Baker, Jr asked to follow up on the occupancy, asked what happens to those that are waiting to use the cages.

The Applicant testified that there is an 8ft gap outside the cage to the wall with rubber flooring, benches, plenty of outside space. This is a private club, clients need memberships, book time to hit, no walk-ins are allowed.

Mr. Robert Baker, Jr – also asked with regards to application he see's sections blank that should have been completed to explain why the need for a use variance and or a special permit.

The Chairman asked the Applicant to explain to the members of the board why he has applied for both use variance and special permit.

The Applicant stated his inexperience in filling out those types of applications is to blame for that and he felt that since the previous occupancy was a Raquete ball club he was under the impression he should apply for a Use Variance. Apologized If he filled it out incorrectly.

The Chairman concludes to the members of the board that the Use Variance Request is Moot as this would be considered as a "Special Permit Use" Attorney Galvin opined that was correct.

The Chairman asked the Applicant the time frame those members of the club would be in the batting cage areas.

The applicant testified that there is a 30 mins slot and 1hr slot, then if they did winter clinics those would be approx. 90mins.

Mr. Stephen Galley – No further questions

Attorney Galvin – No further questions

Mr. Haynes – Question to Applicant with regards to plan that shows rear parking, curious about how that area behind building is used.

The Chairman confirmed that it is not parking at all just gravel.

Mr. Haynes states he just wanted to confirm because the plan does say that it is a gravel parking area.

The Chairman confirmed that can be a condition made not to utilize that area for such.

DECISION ON SPECIAL PERMIT:

Upon a motion duly made by Gregory Tansey and seconded by Charles Heshion, in a roll call vote the Board voted unanimously (5-0) to GRANT, via roll call vote, with members, Robert Rosa, Gregory Tansey, Charles Heshion, Tim Haynes, Robert Baker, Jr., in favor, of a Special Permit subject to conditions to allow

REASON FOR DECISION:

Upon a motion duly made by Gregory Tansey and seconded by Charles Heshion, in a roll call vote the Board further voted unanimously (5-0), by roll call vote, to find that the granting of the special permit was warranted, as a

CONDITIONS: The Special Permit is granted subject to the following conditions:

1. Special Permit is granted for Patriots Athletic Club only – all other requests should be subject to approval of the board.
2. Athletic Club Hours of Operation:
 - a. Summer: Monday – Sunday 9:00 a.m. – 5:00 p.m.
 - b. Winter : Monday – Sunday 9:00 a.m. – 9:00 p.m.
3. Must receive all other local permits and approvals required
4. No parking on VFW Drive Under any circumstances
5. Postage of Signage Required Stating “ No Parking on VFW Drive under any Circumstances”
6. Parking Spaces shall be delineated by Post & Sign for all of the 15 allotted spaces
7. Zoning Enforcement Officer Thomas Ruble shall have final approval to determine if the required number of handicap parking spaces have been met.
8. Site Lighting shall follow the Rockland Zoning Bylaw – exterior lighting shall be dark sky compliant
9. No Outside Use for Athletic Club without prior approval from the Zoning Board of Appeals.
10. No Outside Activities or Loitering in rear of building
11. Snow Storage and Removal as per planning board site plan approval
12. Prior to Occupancy the Applicant must provide the Zoning Enforcement Officer Mr. Thomas Ruble with an “As Built Plan”
13. Gravel Parking Area as labeled on the plan shall not be utilized for parking.

NOTE:

- ❖ This decision may be appealed to the District Court, Housing Court, Land Court or Superior Court pursuant to Chapter 40A, Section 17. Said appeal must be filed within twenty (20) days after this decision is filed with the Town Clerk.
- ❖ Chapter 40A, Section 11, states that in part, that no variance or Special Permit shall take effect until the Town Clerk certifies that twenty (20) days have elapsed, and no appeal has been filed.
- ❖ This Board certifies that copies of this decision have been filed with the Planning Board as well as with the Town Clerk.

FOR THE ZONING BOARD OF APPEALS

A handwritten signature in black ink, appearing to read "Robert C. Rosa III". The signature is written in a cursive style with a prominent "R" and "C".

Robert C. Rosa III

Chairman